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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,400	08/12/2002	Kunio Kawaguchi	450101-03365	4955
20/999 7590 11/10/2011 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
HAMZA, FARUK				
ART UNIT		PAPER NUMBER		
2442				
MAIL DATE		DELIVERY MODE		
11/10/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/089,400

**Applicant(s)**

KAWAGUCHI ET AL.

**Examiner**

FARUK HAMZA

**Art Unit**

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 20-22 is/are pending in the application.
- 5a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 21 and 22 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-03)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

***Response to Amendment***

1. This action is responsive to the amendment filed on August 25, 2011.  
Claim 20 has been withdrawn. Claims 21 and 22 have been amended. Claims 20-22 are pending. The applicant is respectfully requested to cancel the withdrawn claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriman et al. (U.S. Patent Number 7,039,599) hereinafter referred as Merriman and in view of Cohn et al. (U.S. Patent Number 6,308,202) hereinafter referred as Cohn and further in view of Jacobs et al. (U.S. Pub. No. 2007/0005428) hereinafter referred as Jacobs.

As to claim 21, Merriman teaches a client apparatus comprising:  
an acquisition unit to receive picture information and related information as a single handling unit, wherein the predetermined operation is processed as a single unit in response to a related operation command, wherein the predetermined operation is one or more instructions, and corresponds with a respective related information, and wherein each of a plurality of operations

comprise a specific predetermined operation and instructions (Column 4, lines 66-Column 5, lines 6, lines 51-59);

a recording unit to store the single handling unit in a first memory;  
a user interface for displaying the picture information and allowing the user to select the picture information which stores the single handling unit a second memory (Column 4, lines 66-Column 5, lines 6, lines 51-59);

a notifying unit for notifying a server that the client received and stored the single handling unit of picture information and related information (Column 4, lines 14-30); and

a history recording unit for recording history of recording of the information picture, an updating permission/negation unit for determining permission/negation of updating of the related information in accordance with the updating condition information, the updating condition information includes the history recorded in the history recording unit (Column 5, lines 14-27, Column 6, lines 60-Column 7, lines 14).

Merriman does not explicitly teach the claim limitation of in response to selection of the picture image, at least one related information; a processor to execute processing of first corresponding predetermined operation based on the at least one related information and in the case where there exist plural related information, executing processing second corresponding predetermined operation based on a selected one of the related information.

However, Cohn discloses a system for targeting information on a computer network. The system involves categorizing a plurality of address pointers according to the content designated by the address pointer (abstract). Chon teaches the claim limitation of in response to selection of the picture image, at least one related information; a processor to execute processing of first corresponding predetermined operation based on the at least one related information and in the case where there exist plural related information, executing processing second corresponding predetermined operation based on a selected one of the related information (Column 7, lines 4-36).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify the system of Merriman by incorporating Cohn's teaching targeting advertising on a computer network according to category of the address pointer because that would allow the advertisers to direct a message to particular user rather than to all users or a random subset of all users.

Marriman and Cohn do not explicitly teach the claim limitation of "receive an information picture from an information picture providing server, the information picture including a picture image, related information and time limit information; a history recording unit for recording history of recording of the information picture, the updating condition information includes the history recorded in the history recording unit".

However, Jacobs teaches the claim limitation of receive an information picture from an information picture providing server, the information picture

including a picture image, related information and time limit information (abstract, P[0241]) .

It would have been obvious to the ordinary skill in the art at the time of the invention to modify the combined system of Merriman and Cohn by incorporating Jacobs's teaching of time limit for each advertisement. Motivation comes from common knowledge in the art that it would enable the system for scheduling and controlling dynamic display of marketing campaigns.

Claim 22 does not teach or define any new limitation other than above claim 21. Therefore, claim 22 is rejected for similar reason.

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

### ***Response to Arguments***

3. The applicant argues in substance that; A) The combined teaching of Merriman, Cohn and Jacobs does not teach the newly added limitation of recording the history the information picture and determining permission/negation

of the updating the related information based on the recorded history of the information picture.

In response to A) The examiner respectfully disagree with the applicant. The applicant is reminded that claim limitation must be given their reasonable interpretation. The claimed limitation is very broad. The claim language failed to define or provide any details of the claimed limitation. Merriman teaches after delivery of the advertisement tracking exposure of the advertisement. The advertisement processor updates the advertisements satisfaction index and logs the advertisement delivery for providing reports. Merriman also teaches advertisement has a limit on the number of times that the advertisement can be sent, the count of the number of times that the advertisement has been transmitted is incremented (see Column 6, lines 60-Column 7, lines 14). The examiner is broadly interpreting tracking user's activities to be recording history and updating satisfaction index (SI) to be the updating related information. Therefore, Merriman's teaching of tracking user's activities after delivering the advertisement and updating SI meets the claim limitation

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you



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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Primary Examiner

Group Art Unit 2442

/Faruk Hamza/

Primary Examiner, Art Unit 2442